

(20)
10-16-02
SC

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SHIRLEY A. BANKS-BENNETT : **1: CV-01-1241**
: **Plaintiff** :
: **v.** :
INGRAM MICRO U.S., et al, : **JUDGE KANE** /
: **Defendants** :

FILED
HARRISBURG, PA

OCT 15 2002

MOTION TO STRIKE PLAINTIFF'S
"MOTION FOR SUMMARY JUDGMENT"

MARY E. D'ANDREA, Clerk
Per. *[Signature]*
Deputy Clerk

AND NOW, come Defendants, by their attorney, Paul J. Dellasega, Esquire, who respectfully move this Court to strike Plaintiff's "Motion for Summary Judgment" for failure to comply with Local Rule 56.1:

1. Plaintiff is proceeding pro se in this matter.
2. On October 9, 2002, Plaintiff filed with the Court a "Motion for Summary Judgment". The Motion is virtually unintelligible as it fails to address any legal issue arising out of the factual allegations of the Complaint.
3. Local Rule 56.1 states as follows:

"A Motion for Summary Judgment filed pursuant to Federal Rule of Civil Procedure 56, shall be accompanied by separate, short and concise statement of the material facts, in numbered paragraphs, as to which the moving party contends there is no genuine issue to be tried. The papers opposing a Motion for Summary Judgment shall include a separate, short and concise statement of the material facts, responding to the numbered paragraphs set forth in the statement required in the foregoing paragraph, as to which it has contended that there exists a genuine

issue to be tried. Statements of material facts in support of, or in opposition to, a motion shall include references to the parts of the record that supports the statements. All material facts set forth in this statement require to be served by the moving party will be deemed to be admitted unless controverted by the statement required to be served by the opposing party.”

4. Plaintiff has failed to comply with Local Rule 56.1.

WHEREFORE, Defendants pray the Court to strike Plaintiff's Motion for Summary Judgment.

Respectfully submitted,

THOMAS, THOMAS & HAVER, LLP

By: 

Paul J. Dellasega, Esquire
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Attorneys for Defendants

DATE: 10/11/01
186009.1

CERTIFICATE OF SERVICE

I, Susan L. Horstick, Legal Secretary for Thomas, Thomas & Hafer, LLP, hereby certify that a copy of the foregoing document was served upon the following, by enclosing a true and correct copy in an envelope addressed as follows, postage prepaid:

Shirley A. Banks-Bennett
2649 Waldo Street
Harrisburg, PA 17110

THOMAS, THOMAS & HAFER, LLP

By: *Susan L. Horstick*
SUSAN L. HORSTICK, Legal Secretary

DATED: *10/11/02*